



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 482 দিশপুৰ, শনিবাৰ, 31 অক্টোবৰ, 2020, 9 কাতি, 1942 (শক)

No. 482 Dispur, Saturday, 31st October, 2020, 9th Kartika, 1942 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

EXCISE DEPARTMENT

NOTIFICATION

The 30th October, 2020

No. EX.235/2013/56.-In exercise of the powers conferred by section 84 of the Assam Excise Act, 2000 (Assam Act No.XIV of 2000), the Governor of Assam is hereby pleased to make the following rules further to amend the Assam Excise Rules, 2016, hereinafter referred to as the principal Rules, namely :-

Short title and
Commencement

- (1) These rules may be called the Assam Excise (Amendment) Rules, 2020.
- (2) They shall come into force with effect from their date of publication in the Official Gazette.

Substitution of
rule 294

- In the Principal Rules, in rule 294 for the existing provision, the following shall be substituted, namely:-

“294, The opening and closures of any licensed premises shall be done by the District Collector with the previous sanction of the State Government. Such opening and closure shall not be granted,-

- unless it has been satisfactorily established by local enquiry that proposed action is necessary in the interest of public;
- until any objection, which may have been filed on the subject have been considered by the District Collector;
- unless the Application Fee prescribed is paid.”

Insertion of
new rule 294-A

- In the principal Rules, after rule 294, the following new rule 294-A, shall be inserted, namely :-

“294-A (1) The shifting of premises licensed for wholesale or retail vend of foreign liquor, country spirit and heritage alcoholic beverages from one location to another within the same district shall be allowed by the Excise Commissioner or the District Collector as the case may be, with prior approval of the State Government. No inter district shifting of any licensed premises shall be allowed.

- (2) The shifting of licensed premises shall be subject to the fulfillment of the following conditions, namely:-
- (a) That the Gaon Panchayat/Municipality or Town Committee/Municipal Corporation concerned in whose area the premises licensed for wholesale or retail vend is proposed to be shifted has given no objection to that effect.
 - (b) That the proposed premises are free from the distance restriction and other criteria as provided under rule 289.
 - (c) That the Excise Commissioner or the District Collector, as the case may be, shall consider only such proposals where the shifting is essential due to the following situations :-
 - (i) licensee whose premises are affected by the implementation of Development Scheme such as road widening or other similar reasons;
 - (ii) cases where the licensee is running his licensed shop at a place under rental deed and the landlord or owner of the place do not agree to extend the term of the lease;
 - (iii) cases where the shifting is essential due to Hon'ble Court's order;
 - (iv) cases where the Excise Commissioner or the District Collector as the case may be, is satisfied that the shifting is required arising out of circumstances such as change of existing rules or procedures, which are beyond the control of the licensee;
 - (v) cases where the Excise Commissioner or the District Collector is satisfied that the shifting is necessary in the interest of the public."

AVINASH JOSHI,

Principal Secretary to the Government of Assam,
Excise Department, Dispur, Guwahati-6.